



ALBERTA  
SERVICE ALBERTA

*Office of the Minister*

AR27561

January 16, 2015

Mr. Wayne Paulsen  
Board Chair, Alberta Motor Vehicle Industry Council  
11404 - 156 Street  
Edmonton, AB T5M 3N2

Dear Mr. Paulsen:

As you know, Service Alberta concluded an Investigative Operational Review of the investigation and enforcement policies and practices of the Alberta Motor Vehicle Industry Council (AMVIC) earlier this fall.

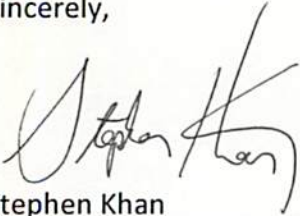
This review was initiated to determine if AMVIC was operating in accordance with identified best practices related to investigations and administrative actions and, where possible, to make recommendations to correct any concerns that might be identified. The Service Alberta staff conducting the review have prepared an Investigative Operational Review Report that identifies a number of concerns. Several of the identified concerns are serious, including:

- Misuse of administrative enforcement tools under the *Fair Trading Act* (FTA). The FTA establishes specific requirements related to the use of administrative actions, including administrative penalties and Undertakings. Despite previous guidance on appropriate use, AMVIC is not correctly using administrative tools in all cases.
- Enforcement actions undertaken by AMVIC have not met the requirements of natural or administrative justice as generally recognized. This includes conduct of investigations, direction provided to investigators as to findings and recommendations, concerns related to the conduct of hearings, and processes that raise concerns that the actions taken have not been reached in a manner that is fair, impartial and open.
- Since April 2013, AMVIC investigations positions have had a voluntary attrition rate of over 60 per cent. For AMVIC as an organization, voluntary attrition rates exceed 70 per cent since April 2013. Most investigations staff that were interviewed indicated they were actively seeking other employment. Investigations staff morale is low.

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To ensure that AMVIC is meeting the responsibilities delegated to it in an appropriate manner, I am requesting that the AMVIC Board meet at its earliest convenience with Assistant Deputy Ministers Colin Lloyd and Ed Ryan of Service Alberta to discuss the findings of the Investigative Operational Review. Mr. Lloyd can be reached at [colin.lloyd@gov.ab.ca](mailto:colin.lloyd@gov.ab.ca) or 780-427-2300 to begin making arrangements for this meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Khan". The signature is fluid and cursive, with the first name "Stephen" and the last name "Khan" clearly distinguishable.

Stephen Khan  
Minister